

1 HONORABLE JUDGE MARSHA J. PECHMAN
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 JOE J.W. ROBERTS, JR.,

10 Plaintiff,

11 v.

12 VILMA KHOUNPHIXAY, et al.,

13 Defendants.

NO. 2:18-cv-0746-MJP-BAT

MOTION AND JOINT
STIPULATION TO MODIFY
DEADLINES AND PROPOSED
ORDER

NOTE ON MOTION CALENDAR:
APRIL 10, 2020

14 MOTION

15 The parties submit the following Motion and Joint Stipulation for an Order modifying
16 the Deadlines in this Court's Order Setting Trial Date and Related Dates, Dkt. 108, to modify
17 the deadline for initial expert disclosures from April 20, 2020 to June 19, 2020; to modify
18 the dispositive motion deadline from July 20, 2020 to July 27, 2020, and to establish an
19 expert rebuttal report deadline on July 20, 2020, in accordance with Fed. R. Civ. P. 16(b)(4).

20 I. JOINT STIPULATION

21 The parties jointly stipulate to modify deadlines in this Court's Order Setting Trial Date
22 and Related Dates, Dkt. 108. This stipulation would set the deadline for initial expert
23 disclosures from April 20, 2020 to **June 19, 2020**. This stipulation would establish an expert
24 rebuttal report deadline on **July 20, 2020**. This stipulation would set the deadline to file and
25 serve any dispositive motion from July 20, 2020 to **July 27, 2020**. This stipulation will not
26 affect any other deadlines including the trial date, which is currently set for **November 16, 2020**.

1 The parties stipulate to modify these deadlines to allow time for Defendants' expert,
 2 Dr. Ryan Quirk, to complete his initial expert report in light of changed circumstances resulting
 3 from the world-wide coronavirus pandemic. Dr. Quirk is the manager of Psychiatric and Social
 4 Services for the King county jail. In that role he is considered essential staff and he continues to
 5 provide psychiatric services to patients incarcerated across two facilities (King County
 6 Correctional Facility and the Maleng Regional Justice Center). Psychiatric and Social Services
 7 is considered to be a part of the larger King County Public Health effort to respond effectively
 8 to COVID-19.

9 Due to a decrease in staffing levels, which has taken place at the same time patient needs
 10 have increased and become more complex, Dr. Quirk has been called on to work long hours,
 11 seven days a week in order to provide patient care and facility coverage. During this challenging
 12 time, a large part of his focus and energy has also been on responding to staff concerns and
 13 managing staff schedules (both in terms of responding to lower staff levels, ensuring necessary
 14 coverage for patient care, developing and implementing new processes, and communication
 15 efforts). Consequently, the impacts of the coronavirus pandemic have been profound on
 16 Psychiatric and Social Services. In addition, this modification will permit additional time for the
 17 Court to consider Defendants' pending Motion for a Rule 35 Independent Mental Examination,
 18 Dkt. 109, which Dr. Quirk believes would assist him in his role of providing expert testimony to
 19 help the jury to understand the evidence. Accordingly, given the current circumstances, there is

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1 good cause for the proposed modifications to the current deadlines in this matter.

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7 Attorneys for Plaintiff

8 DATED this 10th day of April 2020.

9 ROBERT W. FERGUSON
10 Attorney General

11 By: s/ Aaron Williams
12 Aaron Williams, WSBA #46044
Aaron.Williams@atg.wa.gov
13 Attorney for Defendants

14 DATED this 10th day of April, 2020.

ORDER

Based on the stipulation of the parties, the Court **ORDERS:**

1. The stipulation of the parties is **GRANTED**;
 2. The deadline for initial expert disclosures is moved to **June 19, 2020**;
 3. The deadline for expert rebuttal reports is **July 20, 2020**;
 4. The deadline to file and serve any dispositive motion is moved to **July 27, 2020**; and
 5. The Clerk shall send copies of this Order to counsel for all parties.

IT IS SO ORDERED this 15th day of April 2020.

Wesley P. Helman

Marsha J. Pechman
Senior United States District Judge

Presented By:

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